

REMARKS

Upon approval of the undersigned's request for entry of the present amendment, claims 1–31 and 40–42 will be pending. The rejection required a restriction and election and rejected all pending and non-withdrawn claims. In light of the amendment and following remarks, the election and rejection are respectfully requested to be reconsidered and withdrawn.

Restriction

In response to the restriction requirement set forth in the Office Action mailed October 10, 2006 (Paper No. 005), Applicant hereby confirms the provisional election of claims 1-31 for continued examination.

The Examiner has required restriction between claims 1–31, drawn to a repositionable mounting system, classified in class 248, subclass 177.1; and claims 32–39, drawn to a method for positioning an object, classified in class 248, subclass 694.

Election

In response to the election requirement, applicant hereby elects the species covered by claims 1, 2, 4–10, 16–19, and 31.

The election requirement is respectfully requested to be reconsidered and withdrawn. The election requirement was made based upon the asserted identification of 4 different species shown in Figure 1, Figure 4, Figure 7, and other identified figures. The election requirement identifies these species as independent or distinct.

Reconsideration is requested because the identified discloses species are simply different modes for the same apparatus. As more clearly expressly recited in the amendment submitted herewith, the claims address the multimode character of the present invention, respectfully mooted the election requirement.

Applicant's election is made without prejudice. As noted by the Examiner, upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to not more than a reasonable number of species in addition to the elected species, provided that all claims to each additional species are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.146.

Rejection

35 USC 102(b)

Previously examined claims 1, 2, 4–10, 16–18, and 31 were rejected as being anticipated by US Patent 2,684,822 to Odin. Regarding independent claims 1 and 18, claim 1 was replaced with new claim 40 and claim 18 was amended. These amendments are respectfully asserted to moot the rejections for several reasons, including the express recitation of a flexible assembly having two modes: a unitary mode and a multipart mode, each mode for supporting a device.

The rejection of claim 18 is respectfully requested to be reconsidered and withdrawn.

The dependent claims are all respectfully requested to be patentable at least because of the reasons set forth above in the discussion of claims 40 and 18. The undersigned reserves the right to further distinguish the claims in the event that more relevant prior art is cited.

Regarding independent claim 17; this claim written in means plus function covers the disclosed apparatus. Inherently in the specification and figures, the means for repetitive repositioning includes multipart members that may provide both a multilegged support or a single unitary support. The cited reference to ODIN fails to teach the disclosed apparatus and therefore the undersigned respectfully requests withdrawal of the rejection of claim 17.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: January 10, 2007

Respectfully submitted,

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